

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICHAEL DENNIS BATEY,

Petitioner,

v.

SHERRY L. BURT,

Respondent.

**CASE NO. 05-CV-73699-DT
HONORABLE DENISE PAGE HOOD
UNITED STATES DISTRICT JUDGE**

OPINION AND ORDER GRANTING THE MOTION TO AMEND THE CAPTION

Michael Dennis Batey, (“Petitioner”), presently confined at the Parnall Correctional Facility in Jackson, Michigan, filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, in which he challenged his conviction for first-degree criminal sexual conduct, M.C.L.A. 750.520b. On April 23, 2007, this Court entered an opinion and order holding the petition for writ of habeas corpus in abeyance to allow petitioner to return to the state courts to properly exhaust certain claims that had not been presented to the state courts as federal constitutional claims. The Court also administratively closed the case. *See Batey v. Burt*, No. 2007 WL 1218705 (E.D. Mich. April 23, 2007). On March 10, 2009, this Court reopened the petition for writ of habeas corpus and amended the caption to reflect that petitioner’s warden at the time of the reopening of his habeas petition was Carol Howes.

Petitioner has now filed a motion to amend the caption to reflect that his current warden is Sherry L. Burt.

The Court will grant the motion and order that the caption in this case be amended to reflect that the proper respondent in this case is now Sherry L. Burt, the warden of Parnall Correctional

Facility, where petitioner is currently incarcerated. *See Edwards v. Johns*, 450 F. Supp. 2d 755, 757 (E.D. Mich. 2006); *See also* Rule 2(a), 28 foll. U.S.C. § 2254.

IT IS ORDERED that the motion to amend the caption [Dkt. # 42] is granted. The Court orders that the caption of the case is amended to reflect that the proper respondent in this case is Sherry L. Burt.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: March 4, 2010

I hereby certify that a copy of the foregoing document was served upon Michael D. Batey, Reg. No. 293707, Southern Michigan Correctional Facility, 4010 Cooper St., Jackson, MI 49201 and counsel of record on March 4, 2010, by electronic and/or ordinary mail.

S/William F. Lewis
Case Manager